

MEMO ENDORSED

IT IS ORDERED that counsel to whom this  
Memo Endorsement is sent is responsible for  
faxing a copy to all counsel and retaining  
verification in the case file. Do not fax such  
verification to Chambers or the Special Master.

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FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ AUG 16 2006 ★

August 11, 2006

BROOKLYN OFFICE

The Honorable John Gleeson  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

96cv5238

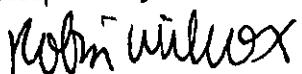
Dear Judge Gleeson:

On March 21, 2006, the United States, acting through its attorneys at the direction of the Attorney General, filed a motion seeking "a ruling based on equitable principles that would allow U.S. Governmental agencies and instrumentalities that accepted Visa and MasterCard branded debit and credit cards during the Class Period and have submitted timely claims (hereinafter 'Government Merchants') to participate in the distribution of the Net Settlement Funds in this case." United States Memorandum of Law in Support of Government Merchants' Participation in the Distribution of Net Settlement Funds at 1. On the same day, Visa and MasterCard filed motions "urg[ing] the Court to find that the Government is entitled to receive its share of the net settlement funds." Memorandum of Visa U.S.A. Inc., Regarding the Right of the U.S. Government to Participate in the Distribution of Settlement Funds at 1; see also Memorandum of MasterCard International in Support of Government Merchants' Participation in the Distribution of Net Settlement Funds at 1 ("MasterCard joins the United States Department of Justice's arguments that as a matter of equity, Government Merchants should be permitted to share in the Net Settlement Funds."). On April 20, 2006, Lead Counsel filed a memorandum of law opposing the United States' application to participate in the distribution of the settlement funds. See Lead Counsel's Memorandum of Law in Opposition to the United States' Application to participation in the Distribution of the *In re Visa Check Settlement Funds* 1-2. This Court has referred the dispute to me for a Report and Recommendation.

Paragraph (d) of this Court's February 17, 2004 Order states that, "[u]nless otherwise directed by the Court, the Special Master's report and recommendation shall be filed with the Court and served on the parties by facsimile or overnight delivery no later than 30 days after the reply papers have been received by the Special Master." It further states that, "[u]pon application to the Court by the Special Master, that period may be enlarged by the Court."

Due to previous extensions requested by me and granted by this Court, my Report and Recommendation is currently due today, August 11, 2006. My last request for an extension was made at the request of the parties, so that they could discuss the possibility of settlement. The parties have since requested a subsequent adjournment on the ground that settlement discussions are ongoing. I therefore respectfully request that this Court allow me to file my Report and Recommendation on or before August 25, 2006, the date agreed to during my telephone conversation with counsel.

Respectfully Yours,

  
Robin Wilcox